

REMARKS/ARGUMENTS

In the Office Action mailed November 17, 2008, claims 1 and 3-7 were rejected. Additionally, claim 2 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, claims 8-14 are allowed. In response, Applicant hereby requests reconsideration of the application in view of the amendments and the below-provided remarks. No claims are added or canceled.

For reference, claim 1 is amended to recite that the “field detecting sensors are disposed on a y-axis essentially in the direction of the movement of the nearest portion of the object.” This amendment is supported by claim 2 and the original specification, at least at page 7, lines 20-23, and Figure 2. Claim 1 is also amended to remove a line erroneously added to the claim.

Allowable Subject Matter

Applicant appreciates the Examiner’s review of and allowance of claims 8-14. Also, Applicant appreciates the Examiner’s review of and determination that claim 2 recites allowable subject matter. In particular, the Office Action states that claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Objections to the Specification

The Office Action suggests that foreign priority data be added to the specification. Applicant notes that a proper claim for foreign priority was included with the declaration, as required by MPEP 201.14(b) (“The claim for priority may appear in the oath or declaration, an application data sheet (37 CFR1.76), or the application transmittal letter with the recitation of the foreign application” emphasis added.). Consequently, Applicant respectfully declines to amend the specification to include the foreign priority data.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1 and 5-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Butzmann (U.S. Pat. Pub. No. 2002/0175673, hereinafter Butzmann). Additionally, claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Butzmann. However, Applicant respectfully submits that these claims are patentable over Butzmann for the reasons provided below.

Independent Claim 1

Claim 1 as amended recites “two magnetic field detecting sensors are disposed on a y-axis essentially in the direction of the movement of the nearest portion of the object” (emphasis added).

In contrast, Butzmann does not disclose two field detecting sensors on a y-axis essentially in the direction of the movement of the nearest portion of the object. Butzmann merely discloses a single sensor element for each of a plurality of segments of a rotating object, each segment having different characteristics. Butzmann, paragraph 32 (“A first sensor element is arranged opposite the first zone . . . a second sensor element is positioned opposite the second zone.”). The sensors in Butzmann are arranged along the x-axis to correspond to the segments of the rotating object, not along the y-axis as recited in the claim. See reference numbers 6 and 7 in Butzmann, Figure 1. The one sensor element per segment of a rotating object scheme used by Butzmann is different from the two sensor system recited in claim 1 because Butzmann does not disclose arranging two sensors along the y-axis.

For the reasons presented above, Butzmann does not disclose all of the limitations of the claim because Butzmann does not disclose two field detecting sensors on a y-axis essentially in the direction of the movement of the nearest portion of the object, as recited in the claim. Accordingly, Applicant respectfully asserts claim 1 is patentable over Butzmann because Butzmann does not disclose all of the limitations of the claim.

Dependent Claims

Claims 2-7 depend from and incorporate all of the limitations of independent claim 1. Applicant respectfully asserts claims 2-7 are allowable based on allowable base claims. Additionally, each of claims 2-7 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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